

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2004 JUN 23 P 4:11

U.S. DISTRICT COURT  
DISTRICT OF MASS.

SHAW'S SUPERMARKETS, INC.,  
Plaintiff,

v.

04-CV-11219 DPW

UNITED FOOD AND COMMERCIAL  
WORKERS UNION, LOCAL 791,  
AFL-CIO,  
Defendant.

**MOTION TO DISMISS  
OR, IN THE ALTERNATIVE,  
FOR JUDGMENT ON THE PLEADINGS**

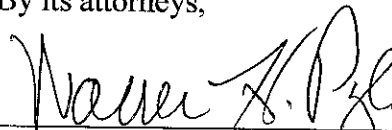
Defendant United Food and Commercial Workers Union, Local 791, AFL-CIO moves  
the court as follows:

1. To dismiss the action pursuant to Rule 12(b)(6) because the complaint fails to state a claim against defendant upon which relief can be granted.
2. To grant the defendant judgment on the pleadings pursuant to Rule 12(c).

Respectfully submitted,

LOCAL 791, UNITED FOOD AND  
COMMERCIAL WORKERS  
UNION,

By its attorneys,

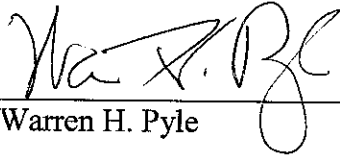


Warren H. Pyle, BBO #408400  
Pyle, Rome, Lichten & Ehrenberg, P.C.  
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(617) 367-7200

Date: June 23, 2004

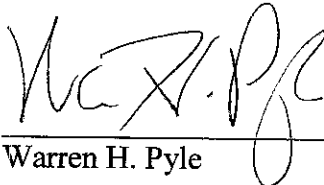
**CERTIFICATE OF COMPLIANCE**

I hereby certify that I have complied with the requirements of Local Rule 7.1(A)(2), and attempted to confer with counsel for Plaintiff in good faith to resolve or narrow the issue.

  
Warren H. Pyle

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon David A. Strock, Esq., Moon, Moss, McGill & Shapiro, P.A., Ten Free Street, P.O. Box 7250, Portland, ME 04112-7250, by facsimile and first class mail, on June 23, 2004.

  
Warren H. Pyle